

Client Rights Office

Department of Health and Family Services
Division of Disability and Elder Services

<http://dhfs.wisconsin.gov/clientrights/index.htm>

Community Programs Training 2005

BEST PRACTICES FOR THE INFORMAL RESOLUTION OF GRIEVANCES

The informal resolution of patient grievances is an optional method of addressing grievances or concerns. Although it is not an appropriate option in all situations, when the informal process is selected it can offer a number of benefits to the client and the program agency, and it can be the most therapeutic method for addressing concerns that are raised in the grievance procedure.

The Client Rights Specialist should assess an initial grievance or concern for consideration, and invite the complainant to participate if appropriate. Things to consider for informal resolution include:

- Ability of client to communicate and comprehend the issues
- Ability of program or agency staff to communicate with the client
- The therapeutic opportunities to address the issue and find a resolution

Benefits:

- Improves relationships between client and other involved parties.
- Helps each party to appreciate the others' perspective on the issue.
- Models good communication skills for resolving issues and can be therapeutic for both the client and the other involved party.
- Reduces conflicts as well as paperwork.

Process:

1. Assess the complaint or concern for appropriateness to informally resolve it.
2. Invite the client to consider and participate in informal resolution.
3. If the client is interested, inform them of their rights in the process.
 - A. Timeframes are suspended during the informal resolution process.
 - B. The informal process is voluntary: all parties must agree to the informal resolution process.
 - C. Any party can stop the informal process if not satisfied, and may request the formal Grievance Resolution Procedure resume at any time. This request will not be contested, and will cause the timeframes for a Level I Program or Agency decision to resume at that time.

4. Engaging in the informal resolution of issues should be as therapeutic as possible, but clients should be made aware that the issues raised might have some interplay with their treatment. To foster trust and integrity, ask for the client's verbal consent before talking to any member of their treatment team about the issues raised in this process. Advise the client that they will need to be able to talk about the issues.
5. Give the client a copy of the document titled: **Informal Resolution Rights and Rules**, published by the Client Rights Office.

Facilitating a Meeting:

1. When facilitating a meeting between the client and the other involved party, be sure to create a non-threatening environment by balancing the number of parties on each side of the table and giving each party equal time to talk about their perspective.
2. At the beginning of a meeting, establish ground rules that all participants must follow to create a safe and respectful meeting, such as:
 - A. Only one person may speak at a time.
 - B. Participants must listen to others, even if they disagree.
 - C. Participants must wait until their turn to speak.
 - D. It is not okay to shout, pound on the table, or make threatening gestures.
 - E. Any person can leave the meeting at any time if they feel they cannot continue.
3. After each party has a turn to voice their own perspective on the conflict, then ask each party to rephrase the other party's stated perspective on the issue.
4. Direct the meeting participants to generate creative solutions to the issue, and to make individualized action statements about what they can do to resolve the issue, or possibly to prevent it from happening again.
5. At the closing of the meeting, ask each participant to write down and sign one or more thing they commit to do that will help resolve the issue, or to prevent it from happening again.
6. Conclude the meeting by thanking all the parties earnestly for their participation.

One-Text Procedure:

A one-text procedure can be used if the client or other parties are not able or willing to sit down together and calmly exchange perspectives or suggest solutions. The one text procedure is basically what occurs when a mediator or client rights specialist meets independently with each party and relays their concerns back and forth. This is a less confrontational approach that is well suited when emotions run high, when communication skills are limited, or when one or more of the parties are not able to follow the ground rules of a facilitated meeting.

This is also an effective way to begin a facilitation when one or more of the parties is not readily available to meet with the other. A one-text procedure can be used independently of facilitated meetings, or as a primer to a facilitated meeting. It is also a valuable method for assessing whether a client or their issue is appropriate for informal resolution.

Final Report:

If the informal proceedings result in a satisfactory resolution, write up a brief report describing the resolution and submit it to the program manager with copies to the client, and the other parties detailed in Wis. Admin. Rules HFS 94.40(3)(e).